

REMARKS/ARGUMENTS

Claims 1-39 stand rejected in the outstanding Official Action. Claims 1-5, 11-13, 15, 16, 18-20, 27, 28, 30-33, 35, 38 and 39 have been amended and therefore claims 1-39 remain in the application.

The Examiner's acknowledgment of Applicants' claim for priority and receipt of the certified copy of the priority document is very much appreciated. Additionally, the Examiner's indication of acceptance of the previously submitted formal drawings is appreciated.

Claims 1-39 stand rejected under 35 USC §102 as allegedly anticipated by Evoy (U.S. Patent 5,937,193). The Court of Appeals for the Federal Circuit has noted in the case of *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 USPQ 481, 485 (Fed. Cir. 1984) that "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Applicants have amended independent claims 1, 16 and 31 to clarify that Applicants' apparatus operates under the control of both a native set of program instructions and a non-native set of program instructions and clarifying that the claimed fixed and programmable mapping hardware interpreters interpret the non-native set of program instructions. Thus, the Examiner's anticipation argument (on pages 2 and 3 of the Official Action which contends that the Evoy execution of straight native code (at col 4, lines 54-57) can be seen as equivalent to the fixed mapping hardware interpreter) fails because Evoy does not teach a fixed programmable mapping hardware interpreter of **non-native** instructions.

In order to anticipate Applicants' independent claims, it is necessary that the Examiner demonstrate how or where the Evoy reference discloses the apparatus of claim 1, the method of claim 16 and the logic of claim 31.

Specifically, with respect to the apparatus claim, the Examiner must show, in order to support the anticipation rejection, a single prior art reference which utilizes both fixed and programmable "mapping hardware interpreters" as well as Applicants' claimed interrelationship, i.e., the fixed mapping hardware interpreter interpreting a fixed mapping group of said non-native set of program instructions and the programmable mapping hardware interpreter interpreting a programmable mapping group of the non-native set of program instructions. It is hoped that the above clarification that Applicants claim two separate hardware interpreters for interpreting non-native instructions – one fixed and the other programmable - will clarify the Examiner's understanding of the claimed structure. The Evoy reference clearly does not teach both structures, let alone both structures interrelated as set out in Applicants' independent claim 1.

The above argument is also made with respect to independent method claim 16 and logic claim 31. Thus, without the claimed structure and interrelationship, the claimed method steps and the claimed logic, Evoy cannot anticipate or render obvious the independent claims.

In the Examiner's "response to arguments" portion bridging pages 7 and 8 of the Official Action, the Examiner suggests that the limitations of independent claims 1, 16 and 31 could be interpreted in an alternate way. The plain meaning of Applicants' claim language is not amenable to such interpretation. Applicants specify that the apparatus comprises at least (by use of the word "comprising") two specified structures, i.e., a "fixed mapping hardware interpreter"

and a "programmable mapping hardware interpreter." Thus, Applicants' claim 1 specifically requires two types of mapping hardware interpreters – one being fixed and one being programmable.

Claim 2 adds a further structure, i.e., a "software execution unit." Because claim 2 adds a third element to the two elements specified in claim 1, it is clear error for the Examiner to consider claim 1 to require either one of a fixed and programmable hardware interpreter or to require a "software interpreter" (while claim 1 is broad enough to cover both fixed and programmable hardware interpreters and a software interpreter, it does not require one to be infringed).

Additionally, the Examiner states that in the Evoy reference "the programmable mapping hardware interpreter would correspond to the native processor which is executing a software interpreter." Although Applicants' claim 2 specifically adds a "software execution unit" which presumably the Examiner believes is a "software interpreter," there is no requirement of a software interpreter in claim 1. How or why the Examiner believes that either of the hardware interpreters required by Applicants' claim 1 could be met by Evoy's "software interpreter" is not seen.

Again, should the Examiner persist in the rejection of independent claims 1, 16 and 31 over the Evoy reference, he is respectfully requested to specifically identify where Evoy teaches both fixed and programmable interpreters as they are specified in Applicants' claims. Specifically, the Examiner is requested to identify by figure number and element number, as well as the column and line numbers of any pertinent discussion which clearly sets out the two claimed "mapping hardware interpreters" which are required by Applicants' independent claims.

Absent a clear disclosure of both, there is simply no basis for a rejection under 35 USC §102. Moreover, even if the Examiner can point to two different structures which are mapping hardware interpreters, the Examiner must also take care to ensure that he is not reading the same structure twice, as Evoy discloses the use of ROM and RAM as the interpreter, but this disclosure is with respect to two different embodiments, not two interpreters in a single embodiment as in the present claims.

The Examiner is also requested to point out how or where Evoy teaches the fixed interpreter maps a non-native program instruction to a fixed sequence of data processing operations or where the programmable interpreter interprets a programmable group of non-native program instructions and maps them to a sequence of data processing operations that vary "in dependence upon programming of said programmable mapping hardware interpreter." These interrelationships of structures simply does not exist in Evoy and has not been suggested by the Examiner to exist in the Evoy patent.

Looking at the *Lindemann* decision noted above, not only must the Examiner identify the structures recited in the claims, he must also identify the recited structural interrelationships. In the present case, the Examiner has identified neither all structures nor all interrelationships as set out in Applicants' independent claims. Accordingly, there is simply no support for any rejection of independent claims 1, 16 and 31 or claims dependent thereon over the Evoy rejection and any further rejection under 35 USC §102 or §103 is respectfully traversed.

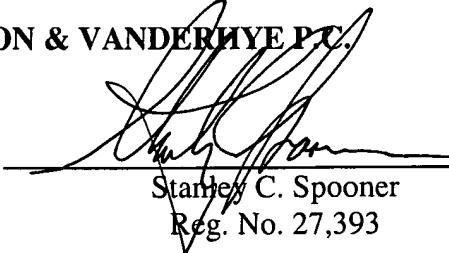
Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-39 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or

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December 21, 2005

personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

Respectfully submitted,

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